

REMARKS/ARGUMENTS

Applicants' attorney wishes to thank the Examiner for the telephone interview which was conducted October 21, 2003.

The Examiner had rejected claims 1 through 8 under 35 USC 112, second paragraph, partly on the basis that the reference in the preamble of claim 1 (prior to this amendment) to "series flow relationship" could be somewhat confusing. By this amendment, Applicants have eliminated that phrase, but without changing the intended meaning in any way, indicating now simply that substantially all of the flow from the sump flows through the filter assembly, which would be one way of defining a "series flow" relationship. By the above amendment, Applicants believe that this basis for rejection has been overcome and should be withdrawn.

The other basis for the rejection under 112 was the use of the term "disc-like portion", and by this amendment, Applicants have deleted the term "like" so that in each case the phrase used in dependent claims 3, 4 and 6 is now merely "disc portion". By the above amendment, Applicants believe that this basis for rejection has also been overcome and should be withdrawn.

In the interview, Applicants' attorney also discussed with the Examiner the differences over the prior art, focusing especially upon the reference to Takada (U.S. 6,508,059) which in FIG. 5 shows an oil filter 80, in which very little detail is shown. However, the arrangement of the oil filter 80 relative to the opening 84 which would permit flow from the sump up into the pump inlet makes it clear that the oil filter 80 would probably be of the conventional type which would require some sort of supporting structure to enable the oil filter to maintain the generally cylindrical configuration shown in both FIGS. 4 and 5.

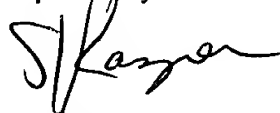
As the Applicants' attorney explained during the interview, the difference in the present invention is the ability to accomplish filtration of all of the flow from the sump into the pump inlet, but without the usual expensive filter element. Instead, in the present invention, a piece of filter material is placed into the recess (71) and is disposed therein in a relationship whereby the filter material is co-planar with the recess, such that the recess and the surrounding structure provide whatever structural support is required for the filter material.

In view of the above, Applicants have further amended claim 1, and specifically

elements (a) and (b) to emphasize that the recessed area defines some sort of "plane" (not necessarily flat), and the piece of filter material is disposed within the recess and is co-planar with the recess. It is this structural relationship as defined in claim 1 as again amended above, which makes it possible to achieve filtration using only the individual piece of filter material, but without the normal expense (and the space taken up by) the support structure, framework, container, etc. Applicants believe that the rejection of claims 1, 6 and 7 under 35 USC 102(e) as anticipated by Takada has been overcome and should be withdrawn.

In summary, Applicants have amended independent claim 1 and certain dependent claims to overcome both the 112 rejections as well as the rejection of the cited Takada reference. Applicants believe that the case is now in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,



L. J. Kasper
Registration No.: 26,749
Attorney for Applicant

Eaton Corporation
1111 Superior Avenue
Cleveland, Ohio 44114-2584

(216) 523-4138